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05-03-04

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PATENT
Customer No. 22,852
Attorney Docket No. 02860.0671

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No. 2635
)
Hiroki UMEDA et al.) Group Art Unit: 2871
)
Application No.: 09/819,800) Examiner: Jeanne A. Di Grazio
)
Filed: March 29, 2001)
)
For: OPTICAL COMPENSATION)
SHEET AND LIQUID CRYSTAL)
DISPLAY)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In an election of species requirement dated March 29, 2004, the Examiner required election under 35 U.S.C. § 121 of one patentably distinct species from each of the following:

- 1) Species A-D;
- 2) Species E-F;
- 3) Species G-H; and
- 4) Species I-J.

In response to the mandatory election of species requirement, Applicants elect, with traverse, to prosecute Species B of Species A-D, Species F of Species E-F, Species H of Species G-H, and Species I of Species I-J.

The Examiner further required Applicants to identify all claims that “read on” the elected species and any generic claims. The Examiner indicated that claim 1 is generic. Applicants assert that at least claims 1, 2, 4, and 6-21 “read on” Species B. Applicants assert that at least claims 1-8 and 10-21 “read on” Species F. Applicants assert that at least claims 1-11 and 13-21 “read on” Species H. Applicants assert that at least claims 1-17 and 19-21 “read on” Species I. In addition, claim 19 is also generic. Upon allowance of generic claim 19, Applicants understand that any nonelected claim depending from claim 19 or otherwise containing all the recitations in claim 19 will be rejoined and also allowed.

Applicants traverse the Election of Species Requirement on the grounds that the Examiner has not shown that there would be a serious burden to examine all of the pending claims together. M.P.E.P. 803. In fact, the Examiner has failed to even state that any such burden exists. Accordingly, Applicants respectfully submit that the Election of Species Requirement is improper, and request that it be withdrawn.

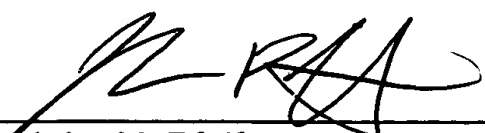
In addition, Applicants remind the Examiner of the criteria and guidelines set forth in M.P.E.P. 803. Here, the Examiner has failed to provide the required reasons and/or examples to support the conclusions.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 29, 2004

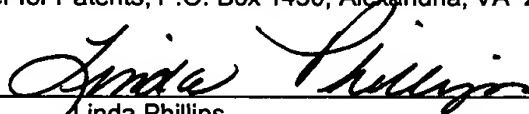
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Date: April 29, 2004

Signed: 
Linda Phillips